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| Motion of                                | ) |                      |
|  | ) |                      |
| SWIFT AIR, LLC d/b/a iAero Airways       | ) | Docket OST-2020-0011 |
|  | ) |                      |
|  | ) |                      |
| In the matter of 2020 U.S.-Havana Public | ) |                      |
| Charter Authorization Proceeding         | ) |                      |
|  | ) |                      |

Dated: March 7, 2022

**BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

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| Application of                           | ) |  |
|  | ) |  |
| SWIFT AIR, LLC d/b/a iAero Airways       | ) |  |
|  | ) |  |
| In the matter of 2020 U.S.-Havana Public | ) |  |
| Charter Authorization Proceeding         | ) |  |
|  | ) |  |

Docket OST-2020-0011

Dated: March 7, 2022

**OBJECTION OF WORLD AIR CHARTER, LLC  
TO THE SHOW CAUSE ORDER OF FEBRUARY 25, 2022**

World Air Charter, LLC. (“WAC” or the “Company”) hereby objects to the Show Cause Order issued by the Department on February 25, 2022 (the “Order”). In this Order, the Department tentatively allots 2,234 roundtrip charter flights to iAero Airways (“iAero”) and 192 roundtrip charter flights to World Atlantic Airlines (“WAA”) during the period of June 1, 2022 through May 31, 2023 (Charter Year III). According to the Order, the balance of the charter flights (1,174) will be available in the charter pool for allocation to direct air carriers on a first come, first served basis. For the reasons set forth herein, WAC strongly urges the Department to (a) increase the allotment to WAA so that WAA can continue its contractual commitment to operate roundtrip charter flights to Jose Marti International Airport (“HAV”) on behalf of WAC and (b) confirm that the

advance allotments to iAero and WAA are for apportionment to public charter operators that have Part 380 authorization through May 31, 2022.<sup>1</sup>

WAC understands the basis for the Department to increase the percentage of charter flights available in the charter pool (from 10% to 25%) for allocation on a first come, first served basis. However, the proposed advance allotment – based upon the two previous years – does not take into consideration recent contractual changes. In particular, the Department previously allotted a substantial number of HAV charter flights to iAero for Havana Air. By contrast, it allotted a significantly lower number of flights to WAA, which at that time had a charter agreement with Havana Air. WAC understands that Havana Air has since changed its direct air carrier to Global Crossing Airlines Group (“GlobalX”).

At first blush, it might seem appropriate to reduce the advance allotments to 75% of the cap (instead of 90%) to account (perhaps in part) for these two contractual changes. However, the Department did not appear to consider that WAC has replaced Havana Air as WAA’s charter operator. By maintaining a higher percentage of flights allotted to iAero based upon the two-year historical data, the Department has proposed an allotment to WAA that is not sufficient for WAC to continue its existing public charter program. And as a new entrant into this market, WAC needs a minimum number of flights to remain competitive with the other public charter operators. At the very least,

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<sup>1</sup> WAC understands that the following charter operators have Part 380 authorization with iAero and WAA identified as direct air carriers: Aerocuba; Cubazul; Invicta Air; and Xael Charters.

for WAC to continue to offer competitive charter services to the licensed traveling public in Charter Year III, WAA needs an advance allotment of, and WAC needs Part 380 authorization for, at least 220 roundtrip charters to HAV. Therefore, WAC respectfully asks the Department to increase the advance allotment to WAA.

In addition, WAC notes that the Order did not state how the advance allotment would be apportioned to each charter operator customer of the two incumbent carriers iAero and WAA. While WAC certainly appreciates that the Department has given these carriers flexibility – at least at this stage – to consider their contractual commitments, it has inadvertently jeopardized WAC's place in this market. More specifically, there is nothing in the Order to state or require that iAero and WAA apportion the allotted flights to the charter operators with which they have contracts and for which DOT has issued Part 380 authorization. These carriers potentially could assign or apportion the allotted flights to new entrants in the market. This would leave WAC without a direct air carrier on June 1. And this result would require WAC to adjust its schedule earlier – in May 2022 – because licensed travelers could not book return flights in June 2022. WAC does not believe the Department intended this result. It, therefore, asks that the Final order confirm that iAero and WAA must apportion the allotted flights to charter operators with Part 380 authorization through May 31, 2022.<sup>2</sup>

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<sup>2</sup> This does not mean that the incumbent carriers cannot enter into charter agreements with new or other charter operators. They, of course, can make this business decision and apply for allocation from the charter pool. But DOT should require that the incumbent carriers apportion the allotted HAV charter flights to existing charter operators first.

WHEREFORE, World Air Charter respectfully (a) increase the allotment to World Atlantic Airlines so that it can continue its contractual commitment to operate roundtrip HAV charter flights for WAC and (b) confirm that the advance allotments to iAero and WAA should be apportioned to public charter operators that have Part 380 authorization through May 31, 2022.

Respectfully submitted,

KMA ZUCKERT LLC

*Lonnie A. Pera*

Lonnie Anne Pera

Counsel for World Air Charter, LLC

Dated: March 7, 2022

## CERTIFICATE OF SERVICE

I hereby certify that on this March 7, 2022, a copy of the foregoing OBJECTION was served by electronic mail on the parties named below:

*Lonnie A. Pera*

Lonnie Anne Pera

| Air Carrier/Charter Operator                         | Name   | Email Address  |
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